



U.S. Army Corps  
of Engineers

Albuquerque District

## Nationwide Permit Regional Conditions in Colorado

### REGIONAL CONDITIONS TO NATIONWIDE PERMITS IN THE STATE OF COLORADO

Effective Date: June 21, 2001

#### Regional Conditions Applicable to Specific Nationwide Permits Within Colorado

1. The following statewide regional conditions (a. thru f.) and revocation (g) apply in Colorado:

a. Nationwide Permit No. 13 Bank Stabilization. In Colorado, bank stabilization activities necessary for erosion prevention in streams that average less than 20 feet in width (measured between the ordinary high water marks) are limited to the placement of no more than 1/4 cubic yard of material per running foot below the plane of the ordinary high water mark. Activities greater than 1/4 cubic yard per running foot may be authorized if the permittee notifies the District Engineer in accordance with the General Condition 13 (Notification) and the Corps determines the adverse environmental effects are minimal.

#### Regional Conditions Applicable to All Nationwide Permits Within Colorado

b. Removal of Temporary Fills. General Condition No. 24 (Removal of Temporary Fills) is amended by adding the following: When temporary fills are placed in wetlands in Colorado, a horizontal marker (i.e., fabric, certified weed-free straw, etc.) must be used to delineate the existing ground elevation of wetlands that will be temporarily filled during construction.

c. Important Spawning Areas: General Condition No. 20 (Spawning Areas) is amended by adding the following: In Colorado, activities which: (a) would destroy important spawning areas; (b) would be conducted in these waters during spawning seasons for trout and kokanee

salmon (spawning season for rainbow and cutthroat trout is from March 15 through July 15, and for brown and brook trout and kokanee salmon is from September 15 through March 15); or (c) would have greater than minimal release of sediments during these spawning seasons are not authorized by any nationwide permit. Bio-engineering techniques, such as native riparian shrub plantings are required for all bank protection activities that exceed 50 linear feet in important spawning areas. Important spawning areas are identified in the attached list of critical resource waters in Colorado.

#### Regional Conditions for Revocations Specific to Certain Geographic Areas

d. Fens: In Colorado, nationwide permits No. 1, 2, 4, 6-11, 13-19, 21-26, 28-31, 33-36, 39-44 are **revoked** for activities in these regionally important aquatic resources. Fens are defined as wetlands which are characterized by water logged spongy ground and contain (in all or part) soils classified as histosols\* or mineral soils with a histic epipedon\*. To determine whether this provision applies, the entire wetland must be examined for the presence of histosols or histic epipedons.

\*Histosols have 40 centimeters (16 inches) or more of the upper 80 centimeters (32 inches) as organic soil material (or less over bedrock). Organic soil material has an organic carbon content (by weight) of 12 to 18 percent, or more, depending on the clay content of the soil. Histic epipedons have a 20 to 60 centimeter-thick (8-24 inches) organic soil horizon that is at or near the surface of a mineral soil. Histosols and histic epipedons are widely recognized as organic soils formed by slow accumulation of plant debris in waterlogged situations where it cannot decompose. (More information on histosols can be obtained from the U.S. Department of Agriculture, Natural Resources Conservation Service publications on Keys to Soil Taxonomy and Field Indicators of Hydric Soils in the United States).

e. Springs: Within the State of Colorado, all NWP's are **revoked** within 100 feet of the water source of natural springs. A spring source is defined as any location where ground water emanates from a point in the ground. For purposes of this regional condition, springs do not include seeps or other discharges which do not have a defined channel.

f. Boulder County, Colorado, all NWP's are **revoked** within the area known as the **Sombrero Marsh**. This determination includes all new or revised nationwide permits.

g. Central City and Black Hawk: By this notice the Omaha District,

Corps of Engineers has reinstated all nationwide permits within the 11-square mile Central City and Black Hawk area.

**Critical Resource Waters in Colorado**  
(See Enclosure 1)

ADDITIONAL INFORMATION

2. The following provides additional information regarding minimization of impacts and compliance with existing General Conditions:

a. Permittees are reminded of the existing General Condition Number 18 which prohibits the use of unsuitable material. Organic debris, building waste, asphalt, car bodies, and junk materials are **not** suitable material. Also, General Condition Number 3 requires appropriate erosion and sediment controls (i.e., all fills must be properly stabilized to prevent erosion and siltation into waters and wetlands.) Streambed material or other small aggregate material placed alone for bank stabilization will **not** meet General Condition Number 3.

b. Permittees are encouraged to mitigate project impacts prior to or concurrent with project construction. This issue continues to be a concern and the Corps prefers at this time to request that NWP notification submittals explicitly address prior to or concurrent mitigation or the reasons why mitigation cannot occur prior to or concurrent with project construction.

For additional information concerning the nationwide permits, the nationwide permit regional conditions, or for a written determination regarding a specific project, please contact the office below:

In New Mexico: Chief, Regulatory Branch, Albuquerque District, US Army Corps of Engineers, 4101 Jefferson Plaza, N.E., Albuquerque, NM 87109-3435, Telephone: (505) 342-3283. E-Mail: [cespa-odr@usace.army.mil](mailto:cespa-odr@usace.army.mil)

In Northwestern New Mexico: Durango Regulatory Office, 278 Sawyer Drive, Suite #1, Durango, Colorado 81303-7995, Telephone: (970) 375-9452

In Southeastern Colorado: Southern Colorado Regulatory Office,

720 North Main Street, Room 205, Pueblo, Colorado 81003-3046,  
Telephone: (719) 543-9459

In Southern New Mexico and Western Texas: El Paso Regulatory Office, P.O. Box 6096, Ft. Bliss, Texas 79906-0096, Telephone: (915) 568-1359

Information about the U.S. Army Corps of Engineers regulatory program, including nationwide permits and regional conditions, may also be accessed on our Internet page: <http://www.spa.usace.army.mil/reg/>

Enclosure 1

**CRITICAL RESOURCE WATERS IN COLORADO**

In accordance with General Condition No. 25 (Designated Critical Resource Waters) the following waters within the State of Colorado are designated as critical resource waters:

a. Outstanding Natural Resource Waters

Cache La Poudre Basin: All tributaries to the Cache La Poudre River System. Including all lakes and reservoirs, which are within Rocky Mountain National Park;

Laramie River: All tributaries to the Laramie River system. Including all lakes and reservoirs, which are in the Rawah Wilderness Area;

North Fork of the Gunnison River: All tributaries to the North Fork of the Gunnison River system. Including all lakes and reservoirs, which are in the West Elk and Raggeds Wilderness Areas;

North Platte River: All tributaries to the North Platte River and Encampment Rivers. Including all lakes and reservoirs, which are in the Mount Zirkle Wilderness Area;

San Miguel River: All streams, lakes, reservoirs, and wetlands within the boundaries of the Lizard Head and Mount Sneffels Wilderness Areas;

Roaring Fork River: All tributaries to the Roaring Fork River system. Including all lakes and reservoirs within the Maroon Bells/Snowmass Wilderness Area;

Uncompahgre River: All tributaries to the Uncompahgre River. Including all wetlands, lakes, and reservoirs, which are within the Mt. Sneffels and Big Blue Wilderness Areas;

Upper Arkansas River Basin: All streams, wetlands, lakes, and reservoirs within the Mount Massive and Collegiate Peaks Wilderness Area;

Upper Colorado River: Mainstem of the Colorado River. Including all tributaries, lakes, reservoirs with the Rocky Mountain Nation Park, or

which flow into Rocky Mountain National Park;

Upper Gunnison River Basin: All tributaries, including lakes, reservoirs, and wetlands within the La Garita Wilderness Area. All tributaries to the Gunnison River, including lakes, reservoirs, and wetlands within the West Elk, Collegiate Peaks, Maroon Bells, Raggeds, Fossil Ridge, Oh-be-Joyful, and Big Blue Wilderness Areas;

White River: Trapper's Lake. Including all tributaries to Trapper's Lake;

Yampa River: All tributaries to the Yampa River. Including lakes and reservoirs, which are within the Zirkle Wilderness Area

b. Important Spawning Areas: In Colorado, important spawning waters are defined as "Wild Trout Waters" as identified by the State of Colorado. Wild Trout Waters are listed in the Colorado Fishing Season Information brochure, on the Colorado Division of Natural Resources website at [www.dnr.state.co.us](http://www.dnr.state.co.us), or a list can be obtained from any Corps office in Colorado. Wild Trout Waters include parts of the: **Cache La Poudre, Cascade Creek, Cocketopa Creek, Conejos River, Eats River, Emerald Lake, Gunnison River, Lake Fork of the Conejos, Laramie River, Los Pinos Creek, Middle Fork of the South Platte River, North Platte River, North St. Vrain Creek, Osier Creek, Roaring Fork River, South Platte River, Tarryall Creek and Trappers Lake.**